

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

SIDNEY PATRICK MARTIN
And All other similarly
situated prisoners.
PETITIONER

V.

CASE NO. _____

Douglas W. Demoura,
Carol A. Mici, Christopher
M. Fallon, Jennifer A. Gaffney,
Michael G. Grant, Paul J. Henderson,
Thomas J. Preston, Charles D. Baker,
And Karyn E. Polito and John Doe,
Respondants

FILED
IN CLERKS OFFICE
2020 SEP 14 AM 12:26
U.S. DISTRICT COURT
DISTRICT OF MASS.

— PETITION —

COMES NOW the Petitioner Sidney P. Martin who is a prisoner at MCI-CEDAR JUNCTION in the Massachusetts Department of Corrections and brings forth this petition on behalf of himself and all other prisoners who are similarly situated. Petitioner brings forth this Petition due to the conditions of confinement at MCI-CEDAR Junction at Walpole.

Respondants

- 1) Respondant Douglas W. Demoura, is the Superintendent of MCI-Cedar Junction at Walpole and is ultimately Responsible for the overseeing of prisoners health and safety and ensuring that this prison is up to par with building codes, including but not limited to Fire Protection systems, HVAC systems, and Rodent control.
- 2) Respondant Carol A. Mici, is the Commissioner of the Massachusetts Department of corrections and is ultimately Responsible for overseeing the state correctional facilities and ensuring prisoner's health and safety and following/ complying with all Massachusetts Regulations of state correctional facilities including MCI-Cedar Junction.
- 3) Respondants Christopher M. Fallon, Jennifer A. Gaffney, Michael G. Grant, Paul J. Henderson, and Thomas J. Preston are deputy commissioners and are Responsible for overseeing that prisoners' health and safety isn't at Risk and that state correctional facilities are comply with all Massachusetts Regulations.

- 4) Respondant Charles D. Baker, is the governor of Massachusetts and is Responsible for overseeing All State Agencies including the Massachusetts Department of Corrections.
- 5) Respondant Karyn E. Polito, is the Lt. Governor and has a duty of overseeing that state Agencies are complying with Massachusetts Regulations including Massachusetts Department of Corrections.
- 6) Respondant John Doe is the inspector who inspected MCT - CEDAR Junction which has No fire protection system or sprinkler system and a major Rodent problem. John Doe's name is unknown at this time.
- 7) All Respondants are under color of state law and supervisor liability applies. All Respondants know or should know that Massachusetts Regulations and building codes require fire sprinkler systems in all new and existing buildings and/or facilities.

JURISDICTION AND VENUE

- 8) The Jurisdiction And Venue is proper in this matter. This Honorable Court has Jurisdiction And Respondants are under color of state law.

STATEMENT OF FACTS

- 9) I the petitioner am currently housed at MCI - Cedar Junction at Walpole.
- 10) MCI - cedar junction has no fire protection system.
- 11) MCI - cedar Junction has no fire sprinkler system
- 12) MCI - cedar junction has no fire Alarm system
- 13) MCI - cedar junction has no up to date And/or Revised fire evacuation plan and the Respondants fail to exercise or practice the evacuation Route.
- 14) If A fire broke out at MCI - cedar junction the petitioner and all similarly situated prisoners

would face serious safety risks and/or irreparable harm.

- 15) MCI cedar junction has a massive Rodent infestation problem all throughout the facility including, but not limited to, kitchen, housing units, property and other areas.
- 16) Petitioner and all other similarly situated prisoners have no where to put their consumable commissary items where Rodents can't get to them in the middle of the night.
- 17) Petitioner and all other similarly situated prisoners are having their consumable commissary items taken by Respondents and other prison officials because they claim that due to Rodent infestation they have no where to store our consumable commissary items when we are placed in segregation or Restrictive housing and we are given no due process rights to our property for which we have a liberty interest in.
- 18) When our consumable commissary is taken we aren't Reimbursed for the price.
- 19) MCI - cedar junction is very old and has no HVAC system, which leaves petitioner and

All similarly situated prisoners in very hot temperatures and very cold temperatures depending on the season.

- 20) Petitioner and all similarly situated prisoners are locked in cells for 22 hours a day where we are forced to eat where we use the bathroom and sleep, we are forced to exercise in our small cramped cell.
- 21) Respondents force us to live in a cell that is not the proper square footage and has us in a Draconian type of environment.
- 23) Even after going into phase 3 of the Covid-19, Respondents Refuse to Allow us to come out of the cell for Recreation and Chow, when it's suppose to go back to a more normal condition, instead Respondents leave us confined to our cells for 22 hours to eliminate fights or the passing of pills called Subutex's that is given by the prison and Respondents.
- 24) Respondents have no legitimate penological purpose to leave us confined to the inhumane living quarters for the vast majority of the day or 22 hours a day, when the state is in phase 3.

25) The conditions of Confinement And Due process Violations Violate ~~are~~ the petitioner's And all Similarly situated prisoners 8th Amendment And 14th Amendment of the U.S. Constitution.

26) These are not ordinary incidents of prison life

Relief Requested

27) Petitioner Requests that Respondants be ordered to install fire protection system, sprinkler systems and fire alarm systems.

28) Petitioner Requests that Respondants be ordered to update their fire evacuation plan.

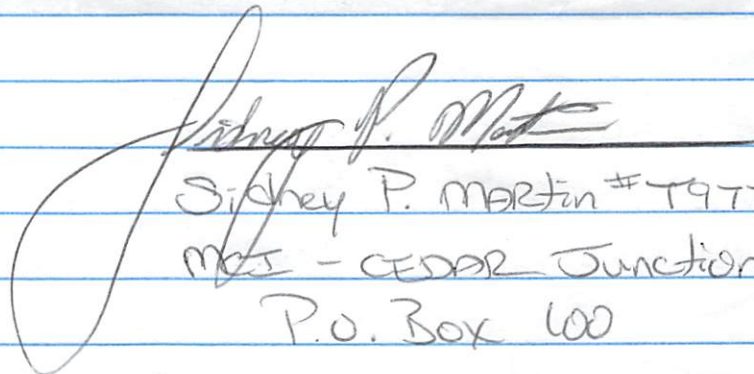
29) Petitioner Requests that Respondants be ordered to stop taking or throwing out consumable commissary items that petitioner and other prisoners paid for because Respondants have a Rodent infestation problem.

30) Petitioner Requests that Respondants be ordered to stop forcing him and similarly situated prisoners to live confined to a cell 22 hours

A day when Covid-19 phase 3 is suppose to allow us to come out but social distance And wear facial coverings.

- 31) Petitioner Requests that Respondants be Ordered to comply with all building codes (existing and new).
- 32) Petitioner Requests that Respondants be ordered to stop putting him and a similarly situated prisoners safety and health at Risk.
- 33) Petitioner Requests that Respondants be ordered to show cause on this petition and any other Relief this court may deem necessary.

Signed on this 9th day of September 2020


Sidney P. Martin #T97768
MASS - CEDAR Junction
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South Walpole, MASS 02071